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Attorney Docket No. 25346B

REMARKS

Claim 2 is amended to correct a typographical error, otherwise the claims remain in their original form.

Claims 1-4 very clearly patentably distinguish over U.S. patent 3,318,063 to Stone, et al. considered in combination with U.S. patent 6,251,995 to Hesse, et al.

The primary reference to Stone, et al. discloses an insulation construction including a blanket of insulating material B wherein a first or front face thereof is covered by a laminated facing L comprising a layer of kraft paper K sandwiched between a film or foil F and a reinforcing scrim S (see Figure 4). The scrim S is secured to the blanket B while the film or foil F serves as the exposed face of the product. Significantly, the foil F and scrim S are laminated together and both are provided on the first or front face of the insulation blanket B while the second or rear face of the blanket B remains free of any facer or covering in this construction.

In contrast, claim 1 of the present invention reads on a laminated insulations system including an insulative core having first and second surfaces, a decorative facer adhered to the first surface and a structural facer adhered to the second surface. The decorative facer and the structural facer are adhered to different surfaces of the insulative core. No such structure is taught or suggested by the Stone, et al. reference.

More specifically, what the primary reference to Stone, et al. teaches is an insulation construction wherein both the decorative facer (the "film or foil F") and the structural facer (the "scrim S") are adhered to the same surface of the blanket B of insulating material. This is contrary to the claimed structure wherein the decorative facer is adhered to the first surface of the insulative core while the structural facer is adhered to the second surface of the insulative core. In fact, the adhering of both the decorative facer and structural facer to the same surface of the insulated blanket as taught in Stone, et al. teaches directly away from the structure set forth in claim 1 of the present application. It is well established that it is error to find obviousness where a reference "diverges from and teaches away from the invention at hand" (WL Gore and Associates,

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Inc., v. Garlock, Inc. 220 USPQ 303, 311 (Fed. Cir. 1983) and In re Fine, 5 USPQ 2nd 1596, 1599 (Fed. Cir. 1988)). Thus, it is clear under well established case law that the Stone, et al. patent actually supports the patentability of the present invention.

The secondary reference to Hesse, et al. does disclose the concept of using polyolefin sheets and polyolefin coatings on substrates suitable for use in the building industry. However, even if a polyolefin sheet or coating is provided on the decorative facing F of the insulation construction taught in Stone, et al., the decorative facing F and structural facing S in the Stone, et al. construction are still provided on the same face of the blanket B of insulating material. As noted above, such a structure completely differs from that set forth in the present claim wherein the decorative facer and the structural facer are provided on two different surfaces of the insulated core.

From the foregoing comments it is clear that claim 1 patentably distinguishes over the cited prior art and should be formally allowed. Claims 2-4 which depend from claim 1 and are rejected on the same grounds are equally allowable for the same reasons. Accordingly, it is clear that all the pending claims patentably distinguish over the art and the present application is in condition to be allowed. Upon careful review and consideration it is believed that the Examiner will agree with this proposition. Accordingly, the early issuance of a formal Notice of Allowance is earnestly solicited.

Applicants authorize any fees required pertaining to this response to be charged to deposit account 50-0568.

Respectfully submitted,

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